

Regulatory Impact Statement

1. Statutory authority:

The Commissioner of the Department of Environmental Conservation (DEC), pursuant to Environmental Conservation Law (ECL) section 3-0305, has authority to issue licenses and permits provided for by law, to adopt procedures for the issuance of licenses, to establish the design and format of licenses and the information to be contained thereon, to establish procedures and requirements for reporting license sales and handling and remittance of license revenues by persons or entities issuing such licenses, and to provide for acceptable methods of payment of license fees.

ECL section 11-0715 specifies that license fees may include specific fees to the issuing clerk.

2. Legislative objectives:

The legislative objective behind the statutory provisions listed above is to establish, or authorize the DEC to establish by regulation, procedures, and requirements for the issuing of hunting, trapping, and fishing licenses.

3. Needs and benefits:

This rulemaking is necessary to accommodate DEC's transition from Valeron material to plain paper for printing sporting licenses and all items offered through the DEC's Automated Licensing System (DECALS). Due to costs and supply chain inconsistencies for acquiring Valeron and challenges maintaining the specialized printers associated with the Valeron material, beginning August 1, 2024, DEC will only be printing items sold through DECALS on plain paper. License issuing agents and officers (LIAs) will need to use their own printer, paper, and ink to print licenses. This

rulemaking will enable LIAs to charge a nominal fee to offset costs associated with printing sporting licenses, habitat stamps or other items they sell through the DECALS. Likewise, this rulemaking will enable DEC's license vendor to charge a similar processing fee when a customer requests a printed copy be mailed to them for DECALS catalogue items purchased via telephone or online.

4. Costs:

The cost associated with the proposed regulation will only affect license buyers who request that their licenses and tags be printed by a LIA or DEC's license vendor. All license buyers will have the option, at no additional cost, to receive an email with a copy of their licenses and tags which they may print themselves. For those license buyers who request their licenses and tags be printed, the additional fee represents a small fraction of the total cost of purchasing a hunting, trapping, or fishing license. This rulemaking will not entail additional costs to DEC, the State, or local governments. As some municipal offices are LIAs (e.g., town clerks), the fee enabled by this rulemaking will allow them to offset costs incurred through use of their equipment and supplies.

5. Local government mandates:

The proposed rule does not impose any mandates on local governments.

6. Paperwork:

LIAs collecting the proposed fee will be provided with updated sales reports that they will be able to use to keep track of the sales they make and the collection of said fee. These reports will be developed by the DEC's license vendor and replace similar sales reports that LIAs already use. These new reports will provide LIAs with the financial information they need to account for all funds they collect from transactions

they make through DECALS. Similarly, the collection of this fee will be reported to DEC from the license vendor through amended reporting tools already utilized by the vendor. No additional forms, paperwork or reporting will be required of license buyers.

7. Duplication:

This proposal does not duplicate, overlap, or conflict with existing State or federal regulations or statutes.

8. Alternatives:

Do not enable LIAs to charge a printing fee. This alternative is less desirable because LIAs would have to fully bear the material and equipment costs associated with printing sporting licenses and tags on plain paper without compensation. This alternative would lead some LIAs to stop selling licenses and would reduce access to license sales locations for the regulated public.

Raise LIA commission rates for sale of sporting licenses. ECL section 11-0716 establishes commission fees of 1.1% for the sale of lifetime licenses and 5.5% for the sale of annual licenses. Increasing these commission rates would offset the material and equipment costs for LIAs to print licenses on plain paper, but such a change would require an act of the New York State Legislature and Governor. Increased commission rates would, unless accompanied by an overall increase in license fees, negatively impact the New York State Conservation Fund which is used to support fish and wildlife management activities. Too, increased commission rates would apply on all licenses purchased, even if the license buyer opts to receive their licenses and tags by email for printing at home.

9. Federal standards:

No applicable Federal requirements of the same or similar subject exist.

10. Compliance schedule:

LIAs and DEC's license vendor will be able to apply the printing and mailing fee upon adoption of this proposed rule.